



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.30366 of 2024
Date of decision: 25th November, 2024

Islam Khan
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Imtiyaz Hussain, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.261 dated 22.11.1993 under Sections 395, 397, 341 of the IPC registered at Police Station Chhainsa, District Faridabad.
2. Learned counsel for the petitioner has submitted that the evidence of the complainant stands recorded before the trial Court. In support, he has placed on record photocopy of the deposition of the complainant PW Sohanpal. Learned counsel, while drawing the attention of this Court to the deposition of PW Sohanpal, has submitted that although the complainant was not declared hostile, however, he had categorically deposed that all the accused had come to the place of occurrence in muffled faces, and furthermore, he had not identified the

petitioner as one of the persons who had participated in the crime in question, before the trial Court. Learned counsel submits that in the circumstances, it is apparent that the petitioner has been falsely implicated in the present case. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Devi Dutt, has not been able to dispute that the sole material witness in the present case i.e. PW Sohanpal stands examined and he had failed to identify the petitioner as being one of those accused, who had committed the crime in question. On further query, learned State counsel has also submitted, on instructions, that 19 more prosecution witnesses remain to be examined, however, they are mostly formal in nature.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 15.04.2024. As not disputed by the learned State counsel, on instructions, the petitioner was not identified as one of the accused, who had participated in the crime in question. 19 prosecution witnesses still remain to be examined and thus, the possibility of trial concluding in the near future seems bleak. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to

the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 25, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No